

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-003-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 JOYCE MARIE EDWARDS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on February 9, 2010. The United States was represented by AUSA Jeffrey Backhus and the
16 defendant by Jennifer Wellman for Michael C. Nance. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about May 6, 2005 by the Honorable Marsha J.
18 Pechman on charges of Bank Fraud and Misrepresenting a Social Security Number, and
19 sentenced to 37 months custody, 4 years supervised release. (Dkt. 20.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be directed to cooperate in the collection of DNA, prohibited from
22 possessing a firearm, submit to mandatory drug testing, participate in a drug program, abstain

01 from alcohol, submit to search, participate in a mental health program, pay restitution in the
02 amount of \$24,609.22, provide access to financial information, maintain a single checking
03 account for all financial transactions, be prohibited from obtaining new lines of credit or
04 obligations without approval, be restricted from employment which has access to finances, and
05 not possess identification documents in any but her true identity.

06 On May 8, 2008, defendant's probation officer reported that defendant tested positive for
07 heroin on one occasion and cocaine on another occasion. Defendant was reprimanded, and
08 referred for professional assessment, counseling and intensive outpatient treatment. No further
09 action was taken at the time. (Dkt. 26.)

10 On September 11, 2008, defendant admitted violating the conditions of supervised release
11 by consuming heroine and cocaine. (Dkt. 32.) At a hearing before Judge Pechman, defendant
12 was continued on supervised release. (Dkt. 35.)

13 On September 29, 2009, defendant's probation officer reported that defendant had
14 violated the conditions of supervised release by using cocaine on or before September 28, 2009.
15 Defendant was reprimanded and referred to a community based residential program, and drug
16 testing was increased. (Dkt. 36.)

17 On December 8, 2009, in response to a report from defendant's probation officer that
18 defendant had consumed illegal controlled substances, the conditions of supervision were
19 modified to require defendant to reside in and satisfactorily participate in a residential reentry
20 center program for up to 180 days. (Dkt. 37.)

21 In an application dated February 4, 2010, (Dkt. 38-39), U.S. Probation Officer Jonathan
22 M. Ishii alleged the following violations of the conditions of supervised release:

01 1. Failing to reside in and satisfactorily participate in a residential reentry center
02 program for up to 180 days, in violation of the special condition of supervised release.

03 2. Associating with a person convicted of a felony, in violation of standard condition
04 9.

05 3. Consuming cocaine on or about December 21, 2009, and cocaine and morphine
06 on or about January 4 and 13, 2010, in violation of standard condition 7.

07 Defendant was advised in full as to those charges and as to her constitutional rights.

08 Defendant admitted alleged violations 1 and 3 and waived any evidentiary hearing as to
09 whether they occurred. Defendant denied alleged violation 2 and requested an evidentiary
10 hearing before a Magistrate Judge.

11 I therefore recommend the Court find defendant violated her supervised release as
12 alleged in violations 1 and 3, and that the Court conduct a hearing limited to the issue of
13 disposition. The disposition hearing will be set before Judge Pechman. An evidentiary hearing
14 on alleged violation 2 will be set before a Magistrate Judge.

15 Pending a final determination by the Court, defendant has been detained.

16 DATED this 9th day of February, 2010.

17 

18 Mary Alice Theiler
19 United States Magistrate Judge

20 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Jeffrey Backhus
21 Defendant's attorney: Jennifer Wellman, Michael C. Nance
Probation officer: Jonathan M. Ishii
22